

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CASE NO. 3:16-cv-00695-FDW**

BARONIUS PRESS, LTD.,

Plaintiff,

v.

SAINT BENEDICT PRESS LLC,

Defendant.

**DEFENDANT’S MOTION FOR
EXTENSION OF TIME TO RESPOND
TO PLAINTIFF’S SECOND AMENDED
VERIFIED COMPLAINT**

Defendant Saint Benedict Press, LLC, pursuant to Rule 6 of the Federal Rules of Civil Procedure and this Court’s Standing Order Governing Civil Case Management, respectfully moves the Court for an extension of time of thirty (30) days, up to and including December 28, 2018, within which to respond to Plaintiff’s Second Amended Verified Complaint which was filed November 14, 2018. In support of this motion, Defendant shows the following:

1. Defendant’s response to Plaintiff’s Second Amended Verified Complaint is due November 28, 2018, and Defendant’s time within which to respond has not expired.
2. As Plaintiff has informed the Court on more than one occasion, “this case concerns [a] complex copyright infringement matter with very little case law on point involving a restored religious work where discovery is taking the Parties back more than a half century in time.” (Doc. No. 31, pp. 1-2; *See* Doc. No. 37, p. 7). Defendant agrees with Plaintiff’s categorization of this case in that it involves: (1) a seldom litigated statute, 17 U.S.C. § 104A of the Copyright Act, known as the Restoration Act, (2) claims under the Digital Millennium

Copyright Act, 17 U.S.C. § 1202, which raise legal issues for which there is limited legal precedent, and (3) a factual background dating back more than five decades.

3. Prior to the November 14, 2018 filing of the Second Amended Verified Complaint, Plaintiff's First Amended Verified Complaint asserted a single claim of copyright infringement involving a single work, *Fundamentals of Catholic Dogma*.

4. Plaintiff's Second Amended Verified Complaint adds 18 new claims for relief: copyright infringement claims related to 12 additional works, three claims under the Digital Millennium Copyright Act, and three claims for unfair and deceptive trade practices pursuant to N.C.G.S. §75-1.1.

5. In order to respond to the allegations in the 354-paragraph Second Amended Verified Complaint, which is 287 paragraphs and 159 pages longer than Plaintiff's First Amended Verified Complaint (Doc. No. 16), Defendant requires additional time to investigate properly and respond to Plaintiff's allegations.

6. Conor Gallagher, Defendant's Publisher, who has the most knowledge regarding the factual allegations asserted by Plaintiff in the Second Amended Verified Complaint, will be on a long-planned trip from November 25 to December 1, 2018 to inspect printing presses in Ohio and Michigan and to participate in a family vacation for part of that time. He will be unavailable to meet with Defendant's counsel to assist with Defendant's response to the Second Amended Verified Complaint during that November 25 to December 1 time period.

7. For all of these reasons, Defendant respectfully submits that there is good cause for the Court to grant Defendant's motion to extend its time to prepare and file its response to the Second Amended Verified Complaint.

8. Pursuant to Local Rule 7.1(B), Defendant has conferred with opposing counsel, and opposing counsel has consented to the extension of time.

9. This motion is filed in good faith for the reasons stated and not for purposes of delay.

WHEREFORE, Defendant Saint Benedict Press respectfully requests that its motion for a thirty (30) day extension of time to serve and file its Answer or otherwise respond to the Second Amended Verified Complaint be granted up to and including the 28th day of December, 2018.

This the 19th day of November, 2018.

/s/ Jonathan E. Buchan

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Defendant's Motion for Extension of Time to Respond to Plaintiff's Second Amended Verified Complaint was served upon Plaintiff by providing a copy thereof by email and U.S. Mail to:

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This the 19th of November, 2018.

/s/ Jonathan E. Buchan
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